

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

APRIL ROYAL

PLAINTIFF

V.

CIVIL ACTION NO. 1:22-CV-55-SA-DAS

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

On March 25, 2022, the Plaintiff filed a Complaint [1] appealing the Commissioner of Social Security's decision to deny her application for Social Security Disability benefits. The Plaintiff filed her Motion [2] to Proceed *in forma pauperis* that same day. The Magistrate Judge assigned to this case entered a Report and Recommendation [3] on March 31, 2022 in which he found that "[w]hile this family has a modest income the plaintiff is capable to [sic] paying court costs in this action, though she may require some additional time." [3] at p. 2. As such, the Magistrate Judge recommended that "the motion for leave to proceed *in forma pauperis* be denied, but that the plaintiff be granted some additional time in which to pay the filing fee." *Id.* The Magistrate Judge further noted that the Plaintiff had fourteen (14) days from the date of the Report and Recommendation [3] to file any objections to the same. The Plaintiff has not filed any objections, and the time to do so has passed.

When a party files an objection to a Report and Recommendation, a court must then conduct a *de novo* review of the sections of the Report to which the party objects. *Davis v. Turner*, 2018 WL 6172521 at *1 (N.D. Miss. Nov. 26, 2018) (quoting *Gauthier v. Union Pac. R.R. Co.*, 644 F.Supp.2d 824, 828 (E.D. Tex. 2009) (internal citation omitted)). "With respect to those portions of the report and recommendation to which no objections were raised, the Court need

only satisfy itself that there is no plain error on the face of the record.” *Id.* (quoting *Gauthier*, 644 F.Supp.2d at 828 (internal citation omitted)).

Seeing as the Plaintiff did not file an objection in the allotted time to do so, the Court need only conduct a plain error review. Having reviewed the Report [3] and the filings in this case, the Court has found no plain error. As such, the Court ADOPTS IN FULL the Report and Recommendation [3]. The Plaintiff shall have thirty (30) days from the date of this Order to pay the filing fee. Failure to comply with this Order will lead to dismissal of this case without further notice.

SO ORDERED, this the 10th day of May, 2022.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE